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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BRANDON JOHNSON,

Plaintiff,

v.

MOKA et al.,

Defendants.

Case No. 2:17-cv-01657-MMD-GWF

ORDER

**I. DISCUSSION**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court's May 29, 2018 screening order, the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 3 at 6). The screening order also imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 3, 7). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 15).

The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400. After the Court determines the matter of the payment of the filing fee, the Court

1 will issue an order on the matter of service.

2 The Court also denies as moot Defendants' request for dismissal of Plaintiff's  
3 action due to failure to update address. (ECF No. 10). The docket demonstrates that  
4 Plaintiff has kept his address updated with the Court but appears to be having mail  
5 delivery issues. (ECF Nos. 9, 11).

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
8 *in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

9 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
10 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the  
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
13 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for  
14 non-prisoners; or (2) pay the full filing fee of \$400.

15 IT IS FURTHER ORDERED that if Plaintiff does not timely file an application to  
16 proceed *in forma pauperis* by a non-prisoner, dismissal of this action may result.

17 IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee  
18 this Court shall issue a subsequent order on the matter of service.

19 IT IS FURTHER ORDERED that Defendants' request for dismissal due to failure  
20 to update address (ECF No. 10) is denied as moot.

21  
22 DATED THIS 30th day of August 2018.

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25 UNITED STATES MAGISTRATE JUDGE  
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